United Nations S/RES/2265 (2016)

Security Council

Distr.: General
10 February 2016

Resolution 2265 (2016)

Adopted by the Security Council at its 7619th meeting, on 10 February 2016

The Security Council,

Recalling its previous resolutions and statements of its President concerning Sudan,

Reaffirming its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, and to the full and timely implementation of resolution 1591 (2005), and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region, and *recalling* that the Government of Sudan bears the primary responsibility for protecting all populations within its territory, with respect for the rule of law, international human rights law and international humanitarian law,

Reiterating the need for an end to the violence and continued abuses in Darfur, *underscoring* the importance of fully addressing the root causes of the conflict in the search for a sustainable peace, and *recognizing* that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,

Noting the importance of the work of the African Union High-Level Implementation Panel (AUHIP), the aims of the Doha Document for Peace in Darfur (DDPD), and the stated commitment of the Government of Sudan to an inclusive national dialogue building on the AUHIP's ongoing peace efforts, and *calling* for an environment conducive to that national dialogue,

Expressing deep concern at the increased violence and insecurity in Darfur in recent months, including fighting between the government and armed groups and intercommunal fighting, *expressing deep concern* that such violence has had an adverse effect on the security situation, has contributed to the significant increase in the number of internally displaced persons observed in 2014, and continues to restrict humanitarian access to conflict areas where vulnerable civilian populations reside, and *reaffirming* the crucial need to address the urgent humanitarian crisis faced by the people of Darfur, including by facilitating safe, timely and unhindered humanitarian access to all areas by humanitarian agencies and personnel, consistent with the United Nations guiding principles of humanitarian assistance, including

Please recycle

humanity, impartiality, neutrality and independence, and the relevant provisions of international law,

Emphasizing the imperative for all armed actors to refrain from all acts of violence against civilians, in particular members of vulnerable groups such as women and children, and to end all violations and abuses of human rights and violations of international humanitarian law, and *further emphasizing* that some of these acts may amount to war crimes or crimes against humanity under international law,

Expressing concern about the external links, in particular military, between non-signatory armed groups in Darfur and groups outside Darfur, and demanding that direct or indirect military support for such armed groups in Darfur ceases, and *condemning* actions by any armed group aimed at forced overthrow of the Government of Sudan, noting there is no military solution to the conflict in Sudan,

Demanding that the parties to the conflict exercise restraint and cease military action of all kind, including aerial bombardments,

Recalling its resolution 2117 (2013) and *expressing concern* at the threat to peace and security in Darfur arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict, and the continued threats to civilians posed by unexploded ordnance,

Deploring the continued violations of resolution 1591 (2005) by the Government of Sudan, including its Rapid Support Forces (RSF), and government-affiliated armed groups involving the routine movement of weapons and ammunition into Darfur, without prior authorization of the 1591 committee,

Demanding an immediate and complete cessation by all parties to the armed conflict of all acts of sexual violence against civilians, recruitment and use of children in violation of applicable international law, other violations and abuses against children, and indiscriminate attacks on civilians, in line with all relevant resolutions on these issues,

Reaffirming its concern over the negative effect of ongoing violence in Darfur on the stability of Sudan as a whole, as well as the region, *welcoming* the ongoing good relations between Sudan and Chad, and *encouraging* Sudan and the countries of the region to continue to cooperate in order to achieve peace and stability in Darfur and the wider region,

Deploring the violations of international humanitarian law and human rights violations and abuses committed by Government of Sudan security forces, their proxies, and armed groups, including those opposing the Government of Sudan, especially at the Khor Abeche Internally Displaced Persons (IDP) camp and at Taweisha, North Darfur, as reported by the Panel of Experts,

Expresses concern at the continued obstacles imposed by the Government of Sudan on the work of the Panel of Experts during the course of its mandate, including restrictions to the freedom of movement of the Panel of Experts, and limitations on access to areas of armed conflict and areas of reported violations and abuses of human rights and violations of international humanitarian law,

Welcoming improved cooperation between the Government of Sudan and the Panel of Experts, *encouraging* increased cooperation by the Government of Sudan to accede to requests from the Panel for access to areas of armed conflict and for information, and *reiterating* its call on all parties in Darfur to cooperate fully with the mission, including by ensuring its free and unfettered access,

Recalling the report (S/2015/31) by the Panel of Experts, and expressing its intent to further study, through the Committee, the Panel's recommendations and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the United Nations Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring states, as well as regional and subregional organizations, can play in this regard, and *encouraging* efforts to further enhance cooperation,

Reminding all States, particularly States in the region, including the Government of Sudan, of the obligations contained in resolutions 1556 (2004), 1591 (2005), and 1945 (2010), in particular those obligations relating to arms and related materiel,

Calling on the Government of Sudan to fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for violations and abuses of human rights and violations of international humanitarian law, by whomsoever perpetrated,

Noting that acts of hostility, violence or intimidation against the civilian population, including Internally Displaced Persons (IDPs), in Darfur, endanger or undermine the Parties' commitment to a complete and durable cessation of hostilities, and would be inconsistent with the aims of the DDPD,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), and 1891 (2009), 1945 (2010), 1982 (2011), 2035 (2012), 2091 (2013), 2138 (2014), and 2200 (2015) until 12 March 2017, *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than 13 February 2017, and *requests* the Secretary-General to take the necessary administrative measures, including basing arrangements, as expeditiously as possible;

2. *Requests* the Panel of Experts to provide no later than 12 August 2016, a midterm update on its work to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) (hereinafter "the Committee") and a final report no later than 13 January 2017 to the Council with its findings and recommendations;

3. *Requests* the Panel of Experts to provide updates every three months to the Committee regarding its activities, including Panel travel, and *requests* that any

obstacles encountered to the fulfilment of its mandate, as well as violations of any part of the sanctions regime be reported immediately;

4. *Requests* the Panel of Experts to report, in the timeframe identified in paragraph 3, on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010);

5. *Reiterates* its support for the efforts of the United Nations/African Union Hybrid Operation in Darfur (UNAMID), the United Nations Secretary-General, the African Union High-Level Implementation Panel on Sudan (AUHIP), the Joint Special Representative, and the leaders of the region to promote peace and stability in Darfur;

Arms Embargo

6. *Expresses its concern* that the direct or indirect supply, sale or transfer to Sudan of technical assistance and support, including training, financial or other assistance and the provision of spare parts, weapons systems and related materiel, could be used by the Government of Sudan to support military aircraft being used in violation of resolutions 1556 (2004) and 1591 (2005), including those aircraft identified by the panel, and urges all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

7. *Recalls* the Government of Sudan's obligations under resolution 1591 (2005), including the requirement to request advance approval from the Committee for the movement of military equipment and supplies into the Darfur region;

8. *Calls upon* the Government of Sudan to address the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in Darfur, which also contributes to instability in the region, and *further* to ensure the safe and effective management, storage and security of their stockpiles of small arms and light weapons, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition;

9. *Expresses* its concern that certain items continue to be converted for military purposes and transferred to Darfur, and urges all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

Implementation

10. *Condemns* the continued violations of the measures contained in paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), as updated in paragraph 9 of resolution 1945 (2010) and 4 of resolution 2035 (2012) and *directs* the Committee, in line with its mandate and guidelines, to consult as soon as possible with any Member State about which the Committee deems there is credible information that provides reasonable grounds to believe the State is facilitating such violations or any other acts of non-compliance with these measures;

11. *Expresses its concern* that the travel ban and asset freeze on designated individuals is not being implemented by all Member States, *requests* the Panel to share with the Committee any information regarding possible non-compliance with the travel ban and asset freeze as soon as possible, and *directs* the Committee to respond effectively to any reports of non-compliance by Member States with

paragraph 3 of resolution 1591 (2005) and resolution 1672 (2006), including by engaging immediately with all relevant parties;

12. *Reiterates* that all States, particularly those in the region, shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee, in accordance with paragraph 3 of resolution 1591 (2005), and *calls upon* the Government of Sudan to enhance cooperation and information sharing with other States in this regard;

13. *Urges* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures;

14. *Expresses its intention*, following the midterm update, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolution 1591 (2005) and 1945 (2010), with a view to ensuring full compliance;

15. *Regrets* that some individuals of the Government of Sudan and armed groups in Darfur continue to commit violence against civilians, impede the peace process, and disregard the demands of the Council, *expresses its intention* to impose targeted sanctions against individuals and entities that meet the listing criteria of paragraph 3 (c) of resolution 1591 (2005), and *encourages* the Panel of Experts, in coordination with the Joint African Union/United Nations Mediation, to provide to the Committee when appropriate the names of any individuals, groups, or entities that may meet the listing criteria;

16. *Deplores* the attacks against UNAMID and *calls upon* the Government of Sudan to swiftly investigate and bring the perpetrators to justice, taking into account the findings of the 2014 final report of the Panel of Experts, and reaffirms its deep condolences to the Governments and families of those killed;

17. *Condemns* the use of civilian establishments, in particular the camps for internally displaced persons, by the armed groups, including those opposing the Government of Sudan, to gain a military advantage in a manner that places the civilians and civilian objects at risk from the dangers arising from armed conflict;

18. *Requests* the Panel of Experts to continue to investigate the financing and role of armed, military, and political groups in attacks against UNAMID personnel in Darfur;

19. *Recalls* that individuals and entities who plan, sponsor or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraphs 3 (c) of resolution 1591 (2005), and *expresses its intention* to impose targeted sanctions on individuals and entities who plan, sponsor or participate in such attacks;

Cooperation

20. *Insists* that the Government of Sudan remove all restrictions, limitations and bureaucratic impediments imposed on the work of the Panel of Experts, including by issuing timely multiple-entry visas to all members of the Panel of Experts for the duration of its mandate, and by waiving the requirement of Darfur travel permits for said Panel members, and, enhance its cooperation and information sharing with the Panel and allow the Panel free and unfettered access to all of Darfur;

21. *Urges* the Government of Sudan respond to the Committee requests on measures put in place to protect civilians in various parts of Darfur, including those affected by new displacements; investigations conducted and accountability measures undertaken for unlawful killings of civilians and other human rights violations and abuses and violations of international humanitarian law, including investigations conducted and accountability measures undertaken for attacks against peacekeepers and humanitarian personnel; and the situation of civilian populations in areas such as eastern Jebel Mara and especially those areas in North Darfur where the Panel of Experts, UNAMID and humanitarian agencies and personnel have been denied access, and measures taken to allow timely, safe, and unhindered access for humanitarian relief to these areas, in accordance with international law, including international humanitarian law, and the United Nations guiding principles of humanitarian assistance, including humanity, impartiality, neutrality and independence;

22. *Welcomes* the Committee's work, which has drawn on the reports of the Panel and taken advantage of the work done in other fora, and *urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005), resolution 1556 (2004), and resolution 1945 (2010) and to provide timely responses to information requests;

23. *Requests* the Panel of Experts to continue to coordinate its activities as appropriate with the operations of the United Nations/African Union Hybrid Operation in Darfur (UNAMID), with international efforts to promote a political process in Darfur, and with other Panels or Groups of Experts, established by the Security Council, as relevant to the implementation of its mandate;

24. *Requests* the Panel of Experts to assess in its midterm update and final report progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005), paragraph 7 of resolution 1591 (2005), and paragraph 10 of resolution 1945 (2010), and progress towards removing impediments to the political process, threats to stability in Darfur and the region; violations of international humanitarian law or violations or abuses of human rights, including those that involve attacks on the civilian population, sexual- and gender-based violence and violations and abuses against children, and other violations of the above-mentioned resolutions, and to provide the Committee with information on the individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591;

Sanctions Committee

25. *Reaffirms* the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures and further encourages the Committee to continue its dialogue with UNAMID;

26. *Emphasizes* the importance of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

27. *Decides* to remain actively seized of the matter.